

REMARKS

Claims 1-10, 12-24 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by *Lai et al* (US 2004/0193648) (the Lai publication). This publication is not applicable to the claims for the following reasons.

Not a proper reference.

The Lai publication was filed on August 20, 2003 and was published on September 30, 2004. Lai is a continuation-in-part of US Application No. 10/465,805, filed on June 20, 2003 and issued as US Patent 6,888,477 on May 3, 2005 (the '477 patent), which is a continuation of US Application No. 10/141,966, filed on May 10, 2002, now US Patent 6,593,860 (the '860 patent), which is a continuation of US Application No. 09/742,294, filed on December 22, 2000, now US Patent 6,407,680 (the '680 patent).

The present invention was filed on January 26, 2001. As a continuation-in-part application, the Lai publication includes a substantial amount of new matter not included in the Lai '477 patent and therefore is an improper reference under 35 U.S.C. 102. Thus the Lai publication cannot rely on the filing date of the parent application filed on December 22, 2000, (the '680 patent), unless the invention is described in the '680 patent. Thus, the claimed invention must be described in the '680 patent.

Not anticipated by the reference.

The PTO provides in MPEP §2131 that:

"[t]o anticipate a claim, the reference must teach every element of the claim."

Therefore, to support these rejections with respect to claims 1 and 15, the '680 patent must contain all of the above-claimed elements of the claim. However, the USPTO has not made a proper rejection of the claims based on the '680 patent.

As a result, the previous rejections based on 35 U.S.C. §102(e) is not proper.

PATENT

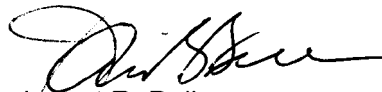
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For example, the USPTO, in the rejection, in part relies on paragraph [0030] of the Lai publication, which does not exist in the '680 patent. Similarly, the [0067] paragraph relied on by the USPTO is significantly altered from the '680 patent. Also, the paragraphs [0188-0191] rely on drawing figures, for example Figs. 9A and 9B, which do not exist in the '680 patent.

In view of the foregoing, the Applicants request that the USPTO withdraw the present rejection and re-examine the present invention based on the disclosures of the '680 patent, or otherwise demonstrate that the Lai publication is applicable to the claimed invention.

Respectfully submitted,



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